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**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation into
U S WEST Communications, Inc.'s
Compliance with § 271 of the
Telecommunications Act of 1996

Docket No. UT-003022

In the Matter of U S WEST Communications,
Inc.'s Statement of Generally Available Terms
Pursuant to Section 252(f) of the
Telecommunications Act of 1996

Docket No. UT-003040
QWEST'S MOTION TO SUPPLEMENT ITS POST-
WORKSHOP BRIEF

I. INTRODUCTION

Qwest Corporation ("Qwest") brings this motion to supplement its post-workshop brief regarding a single issue that was not identified on the issues log for loops, but which Covad identified as an impasse issue.

The Commission should grant Qwest's motion to supplement the record. During the sessions on unbundled loops, a single issue (Washington Loop Issue 5) was identified to address the Colorado xDSL FOC trial. However, during the July 13, 2001 session on emerging services and subloops, when neither Qwest's loop witness nor the attorney representing Qwest on loop issues was present, Covad requested that the log reflect an additional issue, Washington Loop Issue 5(b), regarding

1 whether the Raw Loop Data tool provides CLECs with meaningful loop make up information. Loop
2 Issue 5(b) was not included on either the issue log distributed by Staff on July 25, 2001 or the final issue
3 log circulated on August 8, 2001. Accordingly, when the parties closed Washington Loop Issue 5 (which
4 had no subparts on the log) at the follow up workshop, Qwest reasonably believed that the parties would
5 not be briefing any aspect of the Colorado xDSL FOC trial in Washington. To complete the record and
6 permit Qwest to respond to Covad's arguments on the Raw Loop Data tool, Qwest requests that the
7 Commission permit it to supplement its post-workshop brief regarding this single issue. To avoid any
8 delay or prejudice as a result of this request, Qwest has attached to this motion the briefing it provided on
9 this issue in Colorado when the parties briefed the results of the xDSL FOC trial.¹

12 II. ARGUMENT

13 A. The Commission Should Grant Qwest's Motion To Supplement Its Brief On The 14 Raw Loop Data Tool.

15 The Colorado xDSL FOC trial was assigned Washington Loop Issue 5 at the workshops. At the
16 initial session of Workshop 4, Covad withdrew its data regarding Qwest's FOC and agreed that pursuit
17 of a 72-hour FOC would be appropriate. July 11, 2001 Workshop 4 Transcript at 4358 ("MS.
18 DOBERNECK: And we have also, and this goes to the modification of Ms. Cutcher's testimony,
19 *withdrawn or we will be withdrawing our testimony regarding the FOC trial and the loop*
20 *installation interval as well as MC-3, which relates to the FOC trial. So we consider that*
21 *particular issue closed although subject to review at the conclusion of the OSS testing as far as*
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25 ¹ The attached brief addresses two issues: whether Qwest should provide a 72-hour FOC for xDSL loops and the Raw
26 Loop Data tool Issue. Qwest has filed with this Commission a motion to strike Covad's briefing regarding the first issue
because it was closed in Washington. Therefore, in this motion, Qwest only seeks to supplement the record with
respect to the second issue relating to the Raw Loop Data tool discussed in the attached brief. There is one
attachment to that brief that Qwest served with its Colorado brief. Qwest provides that attachment here for the benefit
of the Commission. In addition, there is one reference to a Colorado Exhibit referenced in the Raw Loop Data tool
discussion, an excerpt from the ROC Master Test Plan. That Exhibit was introduced in Washington as Exhibit 939.

1 *how Qwest performs on the PO-5 and OP-3 measurements.* And I believe I got those correct, but
2 correct me if I'm wrong") (emphasis added). AT&T was unable to state whether it would agree to
3 support a 72-hour FOC for xDSL loops and, accordingly, the issue was held open until the follow up
4 workshop to permit AT&T to formulate its position. With respect to Covad, however, the ALJ noted
5 that Covad agreed to support the 72-hour FOC before the ROC. *Id.* at 4361 ("JUDGE RENDAHL:
6 Okay, well, then I think it's an agreement for Covad, but it's an AT&T take back for the follow-up
7 session").
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10 However, on July 13, 2001, during the discussion of emerging services and subloops, Covad
11 identified Washington Loop Issue 5(b), whether the Raw Loop Data tool provides meaningful loop make
12 up information, and stated that this issue was at impasse. July 13, 2001 Workshop 4 Transcript at 4742-
13 43. Counsel for Qwest responsible for loop issues in Washington, however, was not present at the July
14 13 session and was unaware that Covad had identified this issue for impasse purposes in Washington.² In
15 addition, neither the Issue Log circulated after the initial workshop nor the final log distributed after the
16 workshop reflects the creation of a Washington Loop Issue 5(b). As a result of the omission of this issue
17 on the log, Qwest believes the record was unclear whether the parties were required to brief it. For
18 example, at the follow-up session of Workshop 4, AT&T reported that it would agree to support a 72-
19 hour FOC for xDSL loops. The parties discussed some disagreements regarding the meaning of the
20 Colorado trial data, but no party mentioned a separate outstanding impasse issue. Judge Rendahl
21 captured the disposition of Washington Loop Issue 5 as follows:
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26 ² Counsel for Qwest and Covad did discuss the remaining impasse issues relating to the Colorado trial off line at the workshop as briefs in Colorado on the trial were due imminently. Counsel for Covad and Qwest have, apparently, differing recollections on whether those discussions related to the briefing to be submitted in Colorado or briefing to be submitted in both Colorado and Washington. Counsel for Qwest recalls those discussions as relating to Colorado

1 MS. SACILOTTO: *For purposes of this record in Washington, you know, we -- the only*
2 *issue that's captured within Washington Loop 5 is the issue the ALJ was talking about that*
3 *should be closed is should we go with the 72-hour FOC to the ROC. I mean, I would*
4 *disagree with your characterization of the reconciliation process in Colorado. As it's being*
5 *presented, it sounds as if we didn't offer to reconcile or we didn't follow through on requests to*
6 *reconcile data, and that's incorrect. Only two carriers asked to do it, one of which followed*
7 *through and then subsequently withdrew 90 percent of their own data. So you know, for*
8 *purposes of Washington, I agree with the ALJ that this issue is closed.*

9 MS. DOBERNECK: To bring the comments full circle, getting back to the 72-hour FOC,
10 Covad had no objection to Qwest going to the ROC for that. We're currently operating under
11 72 hours, so we had no objection.

12 JUDGE RENDAHL: *It seems to me that the issue, as Ms. Sacilotto stated, here in*
13 *Washington is whether going to a 72-hour testing interval is acceptable to the parties, and*
14 *my understanding, from hearing all of you, is that that is okay. So for purposes of the issue here*
15 *in Washington it is closed. If there are performance issues that result out of that, I expect we'll*
16 *be hearing about that when we're discussing performance here in Washington.*

17 MS. DOBERNECK: On behalf of Covad, that's my understanding as well.

18 August 1, 2001 Workshop 4 Transcript at 5607-08 (emphasis added).

19 Accordingly, the record is not clear regarding the creation of Loop Issue 5(b).³ To provide the
20 ALJ and Staff with complete information regarding this issue, Qwest requests the opportunity to
21 supplement its brief to address whether the Raw Loop Data tool provides CLECs with meaningful loop
22 makeup information. To avoid any delay or claims of prejudice as a result of this request, Qwest has
23 attached to this motion the brief it filed on this same issue in Colorado in the context of the xDSL FOC
24 trial. Thus, the additional briefing Qwest seeks to submit is familiar to Covad and the other workshop
25 participants. For these reasons, Qwest requests that the Commission permit Qwest to supplement its

26 briefing only.

³ Qwest notes that only Covad appears to have briefed the issue.

1 brief with the materials attached to this motion.

2 **III. CONCLUSION**

3 Qwest believes that the record and logs are confusing regarding the creation of an impasse issue
4 relating to whether the Raw Loop Data tool provides CLECs with meaningful loop make up information.
5 The issue was discussed at a session of the Workshop at which counsel for Qwest and the Qwest witness
6 addressing loop issues were not present, and it is not reflected on any of issues log distributed by Staff.
7 Qwest respectfully requests that the Commission permit Qwest to supplement its brief on the issue of
8 whether the Raw Loop Data Tool provides CLECs with meaningful loop make up information with the
9 briefing it presented on the same issue in Colorado.
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12 Respectfully submitted this 24th day of September, 2001.

13 QWEST CORPORATION

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